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substantially hidden from view from said outer surface of said glass sheet by said opaque coating.

22-23- (amended)

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The hinged window assembly of claim 21 further including an adhesion-promoting compound between said opaque coating and said adhesive bonding said latch mount base to said glass sheet.

27-28- (amended)

B7
The hinged window assembly of claim 20 wherein said latch mount base has at least one projection for spacing said latch mount base from said opaque coating, said adhesive between said opaque coating and said latch mount base having a thickness defined by said projection.

31-32- (amended)

B8
The hinged window assembly of claim 20 wherein said latch mount base includes at least one perforation therethrough for access to said adhesive and for providing a mechanical bonding surface for said adhesive.

REMARKS

Receipt of the Office Action mailed November 5, 1999, concerning the above application, is respectfully acknowledged. Claims 2-32 remain in the application. Claims 2, 3, 5, 10, 15, 18-21, 23, 28 and 32 have been amended as set forth above and pursuant to a telephone interview with Examiner Redman conducted January 19, 2000.

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Reconsideration and allowance of the application including claims 2-32, as amended, is respectfully requested in view of the above amendments, the following comments and the telephone interview.

Interview Summary

The undersigned counsel for Applicants and Dr. Niall R. Lynam, Senior Vice President and Chief Technical Officer for Donnelly Corporation, the assignee of the present application, conducted a telephone interview on January 19, 2000, with Examiner Jerry Redman concerning the present application and the Office Action mailed November 5, 1999.

During the interview, the background of the invention as it relates to hinged windows for vehicles, and especially flush-mounted hinged window assemblies, was discussed. The present invention is directed to articulated window panels suitable for use in vehicles in which a hinge and/or latch mount is bonded to the inner surface of a glass sheet such that there is no exposure of the hinge and/or latch mount on the outer surface of the glass sheet, the hinge and/or latch mount allowing the attachment/securement and movement of the window panel with respect to a vehicle body. The present invention avoids the necessity of drilling holes through the glass and thereby avoids substantial breakage problems due to drilling and hardware mounting difficulties during manufacture. In addition, proposed amended claims substantially as set forth above were discussed along with the references mentioned in the Office Action, namely, Hill et al. 4,777,699, Gotanda et al. 5,042,871, as well as Lapine 4,219,230 and Kunert 5,062,248. The rejections under 35 U.S.C. § 112 and 35 U.S.C. § 103(a) were also discussed. It was also mentioned that Applicants intended to file a Terminal Disclaimer to obviate the double patenting rejection set forth in the Office Action.

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At the conclusion of the telephone interview, the Examiner stated that he had a better understanding of the invention but wished to further review the proposed amended claim language and update his searching on the application after the present Response was filed and prior to allowance of the application. The courtesy and helpfulness of the Examiner during the interview is sincerely appreciated.

The Non-Statutory Double Patenting Rejection Over U.S. Patent No. 5,551,197

Original claims 2-32 were rejected under the judicially created doctrine of double patenting over claims 1-71 of U.S. Patent No. 5,551,197 which is commonly assigned with the present application. In response, Applicants herewith submit a Terminal Disclaimer with respect to U.S. Patent 5,551,197 which obviates that double patenting rejection. The Terminal Disclaimer has been signed by Dr. Niall R. Lynam, an officer of the assignee of this application. In view of the submission of the Terminal Disclaimer, it is respectfully submitted that the double patenting rejection of claims 2-32 as amended should be withdrawn.

The Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 2-32, as originally filed, were further rejected as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. More specifically, the Examiner requested clarification as to whether an articulated window panel was being claimed by itself or in combination with a vehicle.

As explained in the interview, and as indicated by the above amendments, Applicants have clarified claims 2-32 to define an articulated window panel by itself, not in

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combination with a vehicle. In this regard, Applicants have amended claims 2 and 20 to define an articulated window panel suitable for use in a vehicle comprising a glass sheet having a surface area of at least 250 square inches having inner and outer surfaces terminating in a peripheral edge defining a shape adapted to fit within a window opening of the vehicle. Further, the window panel is defined as adapted for mounting on the vehicle such that when fitted within a generally vertical window opening of the vehicle, the glass sheet will be generally vertically mounted and will be at least one of a side window, rear window and lift gate window of the vehicle. Further, the joint bonding the first flange portion of the hinge to the hinge mounting area of the glass sheet supports the weight of the glass sheet without failure in a generally vertical position when subjected to severe vibration and extreme climatic conditions when mounted and used in the generally vertical vehicle window opening.

Similar amendments have been made to claim 20 in addition to stating that the latch mount includes a base portion bonded to the latch mounting area and a receiving portion for engaging a latch when attached to the vehicle for opening and closing said window panel when mounted in the vehicle window opening.

Accordingly, none of the claims define the combination of the articulated window panel and a vehicle since the vehicle is not being claimed positively in any of the claims. In view of the above amendments, it is respectfully submitted that the rejection under 35 U.S.C. § 112, second paragraph, is now obviated and should be withdrawn.

The Rejections Under 35 U.S.C. § 103(a)

Claims 2-32, as originally filed, were further rejected under 35 U.S.C. § 103(a) as being unpatentable over Hill et al. '699 in view of Gotanda et al. '871. For the reasons

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expressed during the telephone interview, it is respectfully submitted that claims 2-32, as amended, are not taught, disclosed or suggested by either Hill et al. '699 or Gotanda et al. '871 taken alone or in any combination, and that these claims are now in condition for allowance.

As noted above, Applicants have now amended claim 2 to define the hinge bonded to the hinge mounting area of the articulated window panel as including a non-elastomeric first flange portion bonded to the hinge mounting area. A second flange portion for mounting the window panel when secured to a vehicle and a connecting section between the first and second flange portions are also included. In addition, the glass sheet has a surface area of at least 250 sq. inches, while adhesive is located between the hinge mounting area and hinge and forms a joint bonding the first flange portion of the hinge to the hinge mounting area such that there is no exposure of the hinge on the outer surface of the glass sheet. The window panel is also defined as being adapted for mounting to the vehicle such that, when fitted within a generally vertical opening of the vehicle, the glass sheet will be generally vertically mounted and will be at one of a side window, rear window and lift gate window of the vehicle. Further, the joint supports the weight of the glass sheet without failure in a generally vertical position when subjected to severe vibration and extreme climatic conditions when in use in the generally vertical vehicle window opening.

Claims 3, 5, 10, 15, 18 and 19 have each been amended to the refer to the first flange portion of the hinge for agreement with the amended language of claim 2.

Likewise, claim 20 has been amended in a generally similar manner to claim 2 but now defines a latch mount bonded to the latch mounting area on the glass sheet and

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adapted to receive a latch for securing the articulated window panel in open and closed positions when mounted in the vehicle window opening. The latch mount includes a base portion bonded to the latch mounting area and a receiving portion for engaging a latch when attached to the vehicle for opening and closing said window panel when mounted in the vehicle window opening. Further, an adhesive is located between the latch mounting area and the latch mount base. The adhesive forms a joint bonding the latch mount base to the latch mounting area such that there is no exposure of the latch mount on the outer surface of the glass sheet.

Claims 21, 23, 28 and 32 have been amended to refer to the latch mount base in agreement with the amended language of claim 20.

As amended, neither Hill et al. nor Gotanda et al. disclose or suggest the structure of Applicants' amended claims. More specifically, Hill et al. '699 illustrates a molded hinge assembly including an elastomeric hinge member 40 and a mounting stud assembly 30 imbedded within the elastomeric hinge member for mounting the window assembly of Hill et al. in a vehicle. However, Hill et al. '699 does not disclose a hinge of the type now set forth in Applicants' amended claim 2 or claims 3-19 which are dependent thereon. More specifically, Applicants' hinge includes a first, non-elastomeric flange portion bonded to its hinge mounting area, a second flange portion for mounting the window panel when secured to the vehicle and a connection section between the first and second portions. These features find no equivalent structure in Hill et al. '699 nor is there any disclosure or suggestion for bonding a non-elastomeric first flange portion of such a hinge to a glass sheet such that there is no exposure of the hinge on the outer surface of the glass sheet. Further,

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there is no suggestion for use of any such hinge as now defined by Applicants on a glass sheet having a surface area of at 250 sq. inches in Hill et al.

Similarly, Gotanda et al. '871 fails to disclose or suggest Applicants' articulated window panel as set forth in amended claim 2 or the claims dependent thereon. Gotanda et al. is directed to a fixed window assembly including a bolt 5 fixed to a quarter glass window 2 via an adhesion agent 3 via connecting piece 5a over a painted surface 2a of the quarter window. The window assembly also includes a frame 1 extending from the interior around the peripheral edge to the exterior side of the window assembly. As such, Gotanda et al. fails to disclose any hinge, especially of the type now defined by Applicants in amended claim 2. There is no disclosure or suggestion for any structure as now defined by Applicants such as a non-elastomeric first flange portion of a hinge bonded to a hinge mounting area, a second flange portion for mounting the window panel when secured to the vehicle, or a connection section between the first and second flange portions. The mere fact that Gotanda et al. may disclose the use of a paint coated on an inside periphery of the quarter window glass therein does not disclose, teach or suggest, the other details of Applicants' amended claim 2 as set forth herein.

Further, there is no basis to combine Gotanda et al. with Hill et al. Even if such combination is attempted, Applicants' articulated window panel as set forth in amended claim 2 would not result. The hinge structure of Hill et al. is clearly an elastomeric member while Gotanda et al. fails to include any hinge structure whatsoever. Even if the two references could be properly combined, Applicants' articulated window panel including the

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hinge with a non-elastomeric first flange portion, a second flange portion and a connecting section therebetween would not be suggested or taught.

In addition, there is no suggestion or teaching in Hill et al. or Gotanda et al. for the combination of amended claim 2 with the adhesives defined in Applicants' dependent claims 4, 6-9, or 11-14, the use of an opaque coating on the hinge mounting area in claim 3, the forming of a hinge from metal, plastic or composite material as set forth in claim 16, the use of an adhesion promoting compound as set forth in claim 5, the use of projections on the hinge as set forth in claim 10 or perforations through a portion of the hinge as set forth in claim 15, or the hinge mounting area, bonding area or aspect ratio as set forth in claims 17-19.

Likewise, there is no disclosure, teaching or suggestion for claim 20, as amended, or the claims dependent thereon in Hill et al. or Gotanda et al. Although the Examiner argues that Hill et al. includes a latch 16 "bonded to a latch mounting area," that statement is respectfully traversed since Hill et al. states, in column 3, lines 27-32, that one or more articulated handles and/or assemblies 16 can be provided for actuating and/or vertically supporting the window panel 12 during its pivotal movement, as well as for limiting its maximum outward pivotal movement. Applicants have been unable to find any further discussion of assembly 16 in Hill et al. Therefore, it is respectfully submitted there is no basis for concluding that member 16 of Hill et al. is a latch, nor that it is bonded in place, and especially that it includes a base and receiving portion as now set forth in amended claim 20. Thus, Hill et al. fails to disclose the combination structure of claim 20, as amended, or dependent claims 21-32.

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Likewise, Gotanda et al. '871, which concerns a fixed window assembly as set forth above, fails to include any disclosure or teaching of a latch mount, especially of the type now defined in amended claim 20 including a latch mount base and receiving portion, or the other features of amended claim 20.

For the reasons set forth above, there is also no basis for combining Hill et al. with Gotanda et al. especially to arrive at the structure of Applicants' amended claim 20.

Likewise, claims 21-32 are not disclosed, taught or suggested by either Hill et al. or Gotanda. Thus, the adhesives as set forth in claims 22, 24-27 and 29-31, the use of an opaque coating on the latch mounting area as set forth in claim 21, the use of an adhesion promoting compound as set forth in claim 23, or the use of a projection or perforation in the latch mount base as set forth in claims 28 and 32, respectively, are nowhere taught or suggested in either reference.

Summary

Accordingly, reconsideration of the claims as amended above, and the Terminal Disclaimer submitted herewith, is respectfully requested. A Notice of Allowance for claims 2-32, as amended, is respectfully requested. Should the Examiner have any questions or wish to further discuss this Response or the application, he is respectfully

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requested to telephone the undersigned counsel for Applicants at the address and number listed below.

Respectfully submitted,

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